

that the article had been transported in interstate commerce on or about November 18, 1939, by Charles Gianforte by truck from Charleston, S. C.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, namely, arsenic.

On November 25, 1939, the claimant having consented, judgment of condemnation was entered and the product was ordered destroyed.

268. Adulteration of cabbage. U. S. v. 12,000 Pounds of Cabbage in Bulk. Consent decree of condemnation and destruction. (F. D. C. No. 1096. Sample No. 82449-D.)

On November 15, 1939, the United States attorney for the Southern District of Florida filed a libel against 12,000 pounds of cabbage at Tampa, Fla., alleging that the article had been transported in interstate commerce by Charles Campisi from Charleston, S. C., in his own truck, on or about November 11, 1939; and charging that it was adulterated in that it bore or contained added poisonous or deleterious substances, arsenic and lead, which might have rendered it injurious to health.

On November 16, 1939, Charles Campisi, owner, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

269. Adulteration of cabbage. U. S. v. 2,600 Pounds of Cabbage. Consent decree of condemnation and destruction. (F. D. C. No. 1097. Sample No. 82453-D.)

On November 16, 1939, the United States attorney for the Southern District of Florida filed a libel against 2,600 pounds of cabbage at Tampa, Fla., alleging that the article had been transported by motortruck on or about November 14, 1939, by Henry Sheppard from Charleston, S. C.; and charging that it was adulterated in that it contained added poisonous or deleterious substances, arsenic and lead, which might have rendered it injurious to health.

On November 18, 1939, the owner, Henry Sheppard, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

270. Adulteration of cabbage. U. S. v. 8,000 Pounds of Cabbage. Consent decree of condemnation and destruction. (F. D. C. No. 1098. Sample No. 82455-D.)

On November 17, 1939, the United States attorney for the Southern District of Florida filed a libel against 8,000 pounds of cabbage at Tampa, Fla., alleging that the article had been transported in interstate commerce on or about November 15, 1939, by B. F. Lawson from James Island, S. C.; and charging adulteration in that it contained an added poisonous or deleterious substance, arsenic, which might have rendered it injurious to health.

On November 21, 1939, the owner, B. F. Lawson, having consented, judgment of condemnation was entered and the product was ordered destroyed.

271. Adulteration of cabbage. U. S. v. 7,500 Pounds of Cabbage. Default decree of condemnation and destruction. (F. D. C. No. 1134. Sample No. 87224-D.)

On November 25, 1939, the United States attorney for the Northern District of Georgia filed a libel against 7,500 pounds of cabbage at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 21, 1939, by J. A. Gilbert by truck from Edisto Island, S. C.; and charging that it was adulterated in that it bore or contained added poisonous or deleterious substances, arsenic and lead, which might have rendered it injurious to health.

On December 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CAULIFLOWER

272. Adulteration of cauliflower. U. S. v. 29 Crates of Cauliflower. Default decree of condemnation and destruction. (F. D. C. No. 833. Sample No. 70221-D.)

On October 24, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 29 crates of cauliflower at Philadelphia, Pa., alleging that the article had been transported in interstate commerce on or about October 23, 1939, by J. W. Visinski from Dayton, N. J.; and charging that it was adulterated in that it bore an added poisonous or deleterious substance, arsenic, which might have rendered it injurious to health.

On November 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

273. Adulteration of cauliflower. U. S. v. 14 Crates of Cauliflower. Default decree of condemnation and destruction. (F. D. C. No. 865. Sample No. 70232-D.)

On October 27, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 14 crates of cauliflower at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 26, 1939, by Frank Korleski from Jamesburg, N. J.; and charging that it was adulterated in that it bore an added poisonous or deleterious substance, arsenic, which might have rendered it injurious to health.

On November 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OLIVES

274. Adulteration and misbranding of ripe olives. U. S. v. 11 Barrels and 37 Barrels of Ripe Olives. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 363, 364. Sample Nos. 59493-D, 59494-D.)

These olives were found to be coated with mineral oil.

On August 8, 1939, the United States attorney for the Southern District of New York filed a libel against 48 barrels of ripe olives at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 6, 1939, by Phoenix Bros. from Fair Oaks, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: "Olivedale Oil Cured Ripe Olives."

Adulteration was alleged in that a substance, mineral oil, had been substituted in part for the article.

It was alleged to be misbranded in that the statement on the label, "Oil Cured Ripe Olives," was false and misleading when applied to a food product on which mineral oil, a nonnutritive substance, had been used.

On November 8, 1939, claimant Edward C. Phoenix, trading as Phoenix Bros., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned so as to result in the complete elimination of the mineral oil. It was ordered further that if the olives were recoiled with olive oil, the presence of added olive oil should be declared on the label.

275. Adulteration of green olives. U. S. v. 8 Boxes and 16 Boxes of Green Olives. Default decrees of condemnation and destruction. (F. D. C. Nos. 1036, 1037. Sample Nos. 74117-D, 74119-D.)

This product was in interstate commerce when examined, and at that time it was found to be in whole or in part decomposed.

On November 22, 1939, the United States attorney for the District of Massachusetts filed libels against 24 boxes of green olives at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about November 1, 1939, by Yaden, Keller & Young from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Mt. Shasta * * * James Mills Orchards Corp. Hamilton City * * * California."

On December 18, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

CANNED FRUITS AND VEGETABLES

276. Misbranding of canned oranges. U. S. v. 1,488 Cans of Oranges. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 634. Sample No. 75228-D.)

This product was short weight.

On or about September 22, 1939, the United States attorney for the Southern District of Ohio filed a libel against 1,488 cans of oranges at Cincinnati, Ohio (consigned on or about August 26, 1939), alleging that the article had been transported in interstate commerce by the Outlet Sales Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Eatmore Mandarin Oranges Contents 11 Oz. * * * Distributed by Outlet Sales Co., Chicago, Ill."

It was alleged to be misbranded in that the statement on the labeling, "Contents 11 Oz.," was false and misleading since it was incorrect; and in that it